

REMARKS

This amendment for RCE is in response to the Office Action of August 10, 2006 in which claims 1-3, 5-15, 17 and 19-35 were rejected and claims 4 and 18 were objected to.

In the submitted amendment for RCE in this communication with the USPTO Office, various of the previously presented claims are changed in ways believed related only to matters of form. For example, a preamble is removed from claims 1, 14 and 22 because it is already recited in the body of the claim. The claims are amended to remove "step of" language.

In addition, limitations are added in independent claims 1, 20 and 32 for clarification to overcome the prior art quoted by the Examiner. Claims 11-13 and 34-35 are cancelled. Furthermore, means-plus-function claims 32 is amended to be of the same scope as claim 20. Dependent claims 36 and 37 are added which are fully supported by the specification.

\*\*\*

Claims 1-3, 5-15, 19-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US Pub 2004/0177212 in view of Ban (US Patent 6,732,221).

Claim 17 was rejected under 35 U.S.C. 103(1) as being unpatentable over Change et al. (US Pub 2004/0177212) and Ban (US Patent 6,732,221) and further in view of Khalid et al (US Pub 2003/0012661.

The applicant disagrees with the Examiner's arguments, because Ban discloses generating "a random process that has a one in 1000 probability of success each time a write operation is performed to determine when to launch wear leveling method 12." (see col. 5,

lines 30-33 of Ban). In other words, according to Ban only a randomly selected write operation with a probability of one out of thousand results in launching wear memory leveling method, whereas in the present invention the wear memory leveling is launched every time at least one triggering signal is detected and it is not a random process. Thus, the present invention discloses a deterministic process versus a random process disclosed by Ban. Thereofre, if teachings of Ban are incorporated into, e.g., claim 1 of the present invention, it will teach away from the invention recited in claim 1 (the same is applied to other independent claims 20 and 32).

To make this point even more clearer the applicant presents here a claim amendment of independent claims 1, 20 and 32 stating that said copying or relocating the data occurs "every time said at least one triggering signal is detected". This limitation which inherently supported by the specification of the present patent application clearly seperates the present invention from the prior art of Ban quoted by the Examiner.

Regarding other dependentent claims 2, 5-17, 21-22, 24-31, 33 and 35, the Applicant response follows the arguments presented in the Remarks section of the Amendment submitted to the USPTO on May 30, 2006.

\*\*\*

The objections and rejections of the Office Action of August 10, 2006 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is solicited. Consideration and allowance are respectively requested.

Respectfully submitted,



Anatoly Frenkel  
Agent for the Applicant  
Registration No. 54,106

AZF/mef  
October 20, 2006  
WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234